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June 23, 2006

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit 1645

Re: U.S. Utility Patent Application
Appl. No. 10/815,730; Filed: April 2, 2004
For: **Recombinational Cloning Using Nucleic Acids Having Recombination Sites**
Inventors: HARTLEY *et al.*
Our Ref: 0942.285000N/BJD/JKM

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Executed Supplemental Declaration for Patent Application (**8** pages);
2. Second Supplemental Information Disclosure Statement;
3. List of cited references on PTO/SB/08A (**1** sheet);
4. Copies of references **AM23-AL24** listed on Form PTO/SB/08A (**5** documents);
5. List of cited references on PTO/SB/08B (**3** sheets);
6. Copies of references **AS214-AR221** listed on Form PTO/SB/08B (**21** documents); and
7. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Jeffrey K. Mills
Agent for Applicants
Registration No. 56,413

BJD/JKM:bac
Enclosures

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OIPE IAP13 JUN 23 2006 PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HARTLEY *et al.*	Confirmation No.: 1581
Appl. No.: 10/815,730	Art Unit: 1645
Filed: April 2, 2004	Examiner: Vogel, N.
For: **Recombinational Cloning Using Nucleic Acids Having Recombination Sites**	Atty. Docket: 0942.285000N/RWE/BJD/JKM

Second Supplemental Information Disclosure Statement

Under 37 C.F.R. § 1.97(b)

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Supplemental Information Disclosure Statement filed on March 2, 2005 in connection with the above-captioned application.

Copies of documents **AM23** to **AL24** and **AS214** to **AR221** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications documents AJ20 to AH22, cited on the attached IDS Form, PTO/SB08A, are not submitted. In addition, copies of documents **AS221** to **AS222** are not provided in accordance with the U.S. Patent and Trademark Office OG notice of October 19, 2004, which states: "the requirement in 37 C.F.R. § 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is sua sponte waived where the cited pending application is stored in the USPTO's IFW system."

The Examiner's attention is directed to the following co-pending U.S. Patent Applications, which are directed to related technical subject matter:

Application No. 11/106,715, Byrd *et al.*, filed April 15, 2005 and listed as Document AS221;

Application No. 11/249,274, Hartley *et al.*, filed October 14, 2005 and listed as Document AT221;

Application No. 11/251,821, Brasch *et al.*, filed October 18, 2005 and listed as Document AR222; and

Application No. 11/290,804, Gray *et al.*, filed December 1, 2005 and listed as Document AS222.

In accordance with the recent Federal Circuit decision in *Dayco Prods., Inc. v. Total Containment, Inc.* 329 F.3d 1358 (Fed. Cir. 2003), Applicants submit herewith Office Actions from:

the related co-pending U.S. Patent Application No. 09/432,085, Hartley *et al*, as Document AS217;

the related co-pending U.S. Patent Application No. 09/517,466, Hartley *et al*, as Document AT217;

the related co-pending U.S. Patent Application No. 09/855,797, Hartley *et al*, as Documents AR218 and AS218;

the related co-pending U.S. Patent Application No. 09/907,719, Hartley *et al*, as Document AT218;

the related co-pending U.S. Patent Application No. 10/058,291, Hartley *et al*, as Documents AR219 and AS219;

the related co-pending U.S. Patent Application No. 10/058,292, Hartley *et al*, as Documents AT219 and AR220;

the related co-pending U.S. Patent Application No. 10/151,690, Brasch *et al*, as Document AS220;

the related co-pending U.S. Patent Application No. 10/162,879, Hartley *et al*, as Documents AT220 and AR221;

which are directed to related technical subject matter. The identification of these Office Actions is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

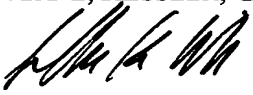
This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Jeffrey K. Mills
Agent for Applicants
Registration No. 56,413

Date: June 23, 2006

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SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known	
Application Number	10/815,730
Filing Date	April 2, 2004
First Named Inventor	James L. HARTLEY
Art Unit	1645
Examiner Name	Vogel, N.
Attorney Docket Number	0942.285000N/BJD/JKM

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Document Number Number-Kind Code[2] (if Known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AJ20	5,552,314	09/03/1996	Greener, Alan L.	
	AK20	5,695,971	12/09/1997	Kadokami *et al.*	
	AA21	5,910,438	06/08/1999	Bernard *et al.*	
	AB21	5,994,136	11/30/1999	Naldini *et al.*	
	AC21	6,025,192	02/15/2000	Beach *et al.*	
	AD21	6,110,735	08/29/2000	Chartier *et al.*	
	AE21	6,120,764	09/19/2000	Graham *et al.*	
	AF21	6,121,043	09/19/2000	Cochran *et al.*	
	AG21	6,140,087	10/31/2000	Graham *et al.*	
	AH21	6,156,497	12/05/2000	Kaleko	
	AI21	6,165,782	12/26/2000	Naldini *et al.*	
	AJ21	6,228,646	05/08/2001	Hardy	
	AK21	6,281,000	08/28/2001	Chartier *et al.*	
	AA22	2003/0022179 A1	01/30/2003	Chesnut *et al.*	
	AB22	2004/0132133 A1	07/08/2004	Bennett, Robert P.	
	AC22	2004/0253620 A1	12/16/2004	Leong *et al.*	
	AD22	2005/0069929 A1	03/31/2005	Chestnut *et al.*	
	AE22	2005/0095615 A1	05/05/2005	Welch *et al.*	
	AF22	2005/0176065 A1	08/11/2005	Hanson, George Thomas	
	AG22	2005/0181417 A1	08/18/2005	Miles *et al.*	
	AH22	2005/0208530 A1	09/22/2005	Chesnut *et al.*	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.[1]	Foreign Patent Document Country Code[3] Number[4] Kind Code[5] (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T[6]
	AM23	WO 96/23904 A1	08/08/1996	Replicon, Inc.		
	AN23	WO 97/47758 A1	12/18/1997	Massachusetts Institute of Technology		
	AO23	WO 98/38326 A1	09/03/1998	Nature Technology Corporation		
	AP23	WO 2005/012487 A2	02/10/2005	Invitrogen Corporation		
	AL24	WO 2005/014796 A2	02/17/2005	Invitrogen Corporation		

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Examiner Signature		Date Considered	

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 3

Complete if Known	
Application Number	10/815,730
Filing Date	April 2, 2004
First Named Inventor	James L. HARTLEY
Art Unit	1645
Examiner Name	Vogel, N.
Attorney Docket Number	0942.285000N/BJD/JKM

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published	T[2]
	AS214	Alonso, J.C., "Site-specific recombination in Gram-positive theta-replicating plasmids," *FEMS Microbiol. Lett. 142*:1-10, Elsevier Science B.V. (August 1996)	
	AT214	Amin, A.A., *et al.*, "Synthesis of an Enzymatically Active FLP Recombinase In Vitro: Search for a DNA-Binding Domain," *Molec. Cell. Biol. 9*: 1987-1995, American Society for Microbiology (1989)	
	AR215	Bliska, J.B and Cozzarelli, N.R., "Use of Site-Specific Recombination as a Probe of DNA Structure and Metabolism *in Vivo*," *J. Molec. Biol. 194*:205-218, Academic Press Inc. (1987)	
	AS215	Chatterjee, P.K. and Sternberg, N.L., "Retrofitting High Molecular Weight DNA Cloned in P1: Introduction of Reporter Genes, Markers Selectable in Mammalian Cells and Generation of Nested Deletions," *Genet. Anal.: Biomolec. Eng. 13*:33-42, Elsevier Science B.V. (July 1996)	
	AT215	Huang, L.-C., *et al.*, "A bacterial model system for chromosomal targeting," *Nucl. Acids Res. 19*:443-448, Oxford University Press (1991)	
	AR216	Kanegae, Y., *et al.*, "Efficient gene activation in mammalian cells by using recombinant adenovirus expressing site-specific Cre recombinase," *Nucl. Acids Res. 23*:3816-3821, Oxford University Press (October 1995)	
	AS216	Lieber, A., *et al.*, "Recombinant Adenoviruses with Large Deletions Generated by Cre-Mediated Excision Exhibit Different Biological Properties Compared with First-Generation Vectors In Vitro and In Vivo," *J. Virol. 70*:8944-8960, American Society for Microbiology (December 1996)	
	AT216	Liu, X. and Gorovsky, M.A., "Mapping the 5' and 3' Ends of *Tetrahymena thermophelia* mRNAs Using RNA Ligase Mediated Amplification of cDNA Ends (RLM-RACE)," *Nucl. Acids Res. 21*:4954-4960, Oxford University Press (1993)	
	AR217	Wang, Y. *et al.*, "Targeted DNA recombination in vivo using an adenovirus carrying the cre recombinase gene," *Proc. Natl. Acad. Sci. USA 93*:3932-3936, National Academy of Sciences (April 1996)	
	AS217	Copy of Office Action for United States Patent Application No. 09/432,085, Hartley *et al.*, mailed June 16, 2005	

Examiner Signature		Date Considered	

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Substitute for form 1449/PTO				*Complete if Known*	
SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT *(Use as many sheets as necessary)*				Application Number	10/815,730
				Filing Date	April 2, 2004
				First Named Inventor	James L. HARTLEY
				Art Unit	1645
				Examiner Name	Vogel, N.
Sheet	2	of	3	Attorney Docket Number	0942.285000N/BJD/JKM

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.[1]	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T[2]
	AT217	Copy of Office Action for United States Patent Application No. 09/517,466, Hartley *et al.*, mailed November 18, 2005	
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	AS218	Copy of Office Action for United States Patent Application No. 09/855,797, Hartley *et al.*, mailed October 11, 2005	
	AT218	Copy of Office Action for United States Patent Application No. 09/907,719, Hartley *et al.*, mailed July 26, 2005	
	AR219	Copy of Office Action for United States Patent Application No. 10/058,291, Hartley *et al.*, mailed April 28, 2005	
	AS219	Copy of Office Action for United States Patent Application No. 10/058,291, Hartley *et al.*, mailed October 21, 2005	
	AT219	Copy of Office Action for United States Patent Application No. 10/058,292, Hartley *et al.*, mailed May 26, 2005	
	AR220	Copy of Office Action for United States Patent Application No. 10/058,292, Hartley *et al.*, mailed November 18, 2005	
	AS220	Copy of Office Action for United States Patent Application No. 10/151,690, Brasch *et al.*, mailed April 18, 2005	
	AT220	Copy of Office Action for United States Patent Application No. 10/162,879, Hartley *et al.*, mailed April 28, 2005	

Examiner Signature		Date Considered	

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				Filing Date	April 2, 2004
				First Named Inventor	James L. HARTLEY
				Art Unit	1645
				Examiner Name	Vogel, N.
Sheet	3	of	3	Attorney Docket Number	0942.285000N/BJD/JKM

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	AR222	United States Patent Application No. 11/251,821, Brasch *et al.*, filed October 18, 2005	
	AS222	United States Patent Application No. 11/290,804, Gray *et al.*, filed December 1, 2005	

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[1] Applicant's unique citation designation number (optional). [2] Applicant is to place a check mark here if English language Translation is attached.
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